

ONTARIO LEGISLATURE.

Sixth Parliament, Second Session.

(By Our Own Reporter.)

WEDNESDAY, Feb. 29, 1888.

The Speaker took the chair at three o'clock

FIRST READINGS.

The following bills were introduced and read a first time:—

To amend the Assessment Act—Mr. Gilmour.

To amend the Act for the protection of game and fur-bearing animals—Mr. McAndrew.

To amend the Act respecting statute labor—Mr. Marter.

THIRD READINGS.

The following bills were read a third time:—

To amend the Act incorporating the Wm. Hall Peterborough Protestant Poor Trust—Mr. Stratton.

To authorise the Town of Almonte to issue certain debentures—Mr. Hilliard.

To incorporate the Central Canada Exhibition Association—Mr. Bronson.

To amend the Act to incorporate Trinity Medical School—Mr. Widdifield.

To further amend the Acts respecting the Port Arthur, Duluth & Western Railway Company—Mr. Conmee.

THE QUEBEC RESOLUTIONS.

Hon. O. MOWAT, arising amid cheers, said:—
The course which I propose to pursue is, first, to move a resolution simply declaring that at a conference recently held in the City of Quebec, of delegates of the Provinces of Ontario, Quebec, Manitoba, Nova Scotia and New Brunswick, duly accredited by the Governments of the said Provinces, the following resolutions were passed. Then follow the resolutions, and then I propose to move, in regard to each resolution, that the House concur in it. They refer to a great many subjects, and it will be more convenient to discuss them one by one, so far as they may not be discussed upon the first resolution, which I now move. It will be remembered that the system of Confederation which now exists had its origin in the difficulties that had prevailed for many years between Upper and Lower Canada. Those difficulties had gradually become so great as to make government almost impossible, and both parties were convinced that it was absolutely necessary, by some constitutional changes, to remove the difficulties which had prevailed. Holding that view, both parties united for the express purpose of carrying Confederation, either of Canada alone, or of Canada and the Maritime Provinces, if the Maritime Provinces could be induced to concur. Delegates were accordingly chosen from all the Provinces, and these met at Quebec in 1864, and a system of federation was resolved upon. The resolutions of the conference formed a basis for the Act afterwards passed by the Imperial Parliament, the B. N. A. Act. That Act corresponded very nearly with the resolutions that were passed. Nearly

A QUARTER OF A CENTURY

has elapsed since that time, and it would be wonderful indeed if our experience, during that long period of the working of that Constitution, did not make us to perceive amendments to that Constitution which would be of great value in accomplishing the purpose of Confederation. Our experience in regard to all matters of legislation, matters involving comparatively little difficulty, is that no legislation, however carefully considered, is perfect in the first instance, but requires amendment from time to time, and we may well repeat the same thing in regard to our Constitution. Friction has developed that fact. We have found the B. N. A. Act working in various directions in a manner not anticipated by its founders. Omissions have been discovered which did not occur to the authors of the Act or to those who took part in the conference, and it is seen that if Confederation is to work satisfactorily considerable changes will have to be made in it. It was in view of all this, in view of the felt necessity for important changes, that the conference at Quebec recently took place. Every effort was made to prevent the conference assuming

ANYTHING OF A PARTY CHARACTER.

All the Provinces were invited to take part. Some of them had Conservative Governments, some of them had Reform Governments and some of them had coalition Governments; but no distinction was made amongst them. They were all asked to send delegates to the con-

ference, and the Dominion Government was asked as well. Some of these Governments attended, and others did not. Prince Edward Island did not send delegates, nor did British Columbia; but Manitoba, which was then under a Conservative Government, sent delegates who took an active part in the proceedings of the conference and concurred in its resolutions. Nova Scotia, which had a coalition Government, sent delegates which likewise concurred in the resolutions. New Brunswick, Quebec and Ontario had Reform Governments, and all sent delegates and were concurrent parties to the resolutions passed there. Every care was exercised to express the resolutions in such a way that they might not be at all offensive to Conservatives; so that nobody, of whatever party, might have any difficulty in joining in the resolutions if they concurred in the substance of them; and there is nothing in them which Conservatives ought not to agree in. (Applause.) I wish I could see the Conservatives of this House agree with the Reformers in passing them, because I regard them as being of

IMMENSE IMPORTANCE TO OUR COUNTRY,

and if we could only see all parties unite in favor of them, all party triumph would be taken away from them, for no one party would be able to claim a victory over the other. If the matter is converted into a party question, such a course will, no doubt, delay the coming of the time when we shall secure the amendments that are asked for in these resolutions, but the time would only be delayed. It must come. (Applause.) All the amendments are so valuable and commend themselves so strongly to the judgment of all candid minds, and have such strong reasons in support of them, that I hold it to be perfectly certain that they will all be certainly achieved unless some still more stringent measures of reform are substituted for some of them. Now these resolutions, continued the Hon. Attorney-General, were of different kinds. They varied very much in importance. Some of them had been subject to more or less controversy with the Dominion Government and others had not been subjected to any such controversy. Some of the difficulties referred to were pending at the present time. Some of these difficulties, too, had arisen from the fact that

PRIVATE OPINIONS HAD SUGGESTED

in some cases a construction of the Constitution not contemplated by its authors, and which had been supported by such strong technical reasonings that some points that had been originally quite clear had been rendered doubtful, and in some points the Courts had been against what he believed to be the certain intention of the Act. He purposed saying a few words briefly on each of the amendments which the conference proposed reserving for discussion on each resolution, a portion of the argument which might be adduced in its favor. But it was quite impossible for him in one speech to make anything like an exhaustive examination of the subject, and he did not propose making such an attempt. The resolutions were preceded by a preamble, the wording of which would hardly admit of any argument. It declares that in framing the British North America Act it was to be expected that experience under the new system of government laid down by it would suggest many needed changes, and then declared "that twenty years' practical working of the Act has developed much friction between the Federal and Provincial Governments and Legislatures, has disclosed grave omissions in the provisions of the Act, and has shown (when the language of the Act came to be judicially interpreted) that in many respects what was the common understanding and intention had not been expressed, and that important provisions in the Act are obscure as to their true intent and meaning; and whereas the preservation of Provincial autonomy is essential to the future well-being of Canada; and if such autonomy is to be maintained it has become apparent that the Constitutional Act must be revised and amended." He held that this proposition was free from any ground for reasonable controversy.

THE FIRST RESOLUTION,

which immediately followed the preamble, was on the subject of the disallowance by the Dominion Government of legislation by the Provincial Governments. The commissioners at the Quebec Conference objected to the provision of the British North America Act which gave this power to the Dominion Government. They objected to it on principle, and also because it was found to work disadvantageously. It was against the interests of the Provinces, and it would be an advantage to the Dominion Government itself if no such power existed. While the power existed they were called upon from time to time to exercise it, when perhaps they would rather not do so, would rather perhaps be free from the causes that led up to its being exercised. What was the